

**REMARKS-General**

1. The newly drafted independent claim 19 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 19-38 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

**Response to Rejection of Claims 1-18 under 35USC103**

2. The Examiner rejected claims 1-5 and 8 over Remington in view of Eng, claims 6 and 9 over Remington in view of Eng and further in view of Powell et al., claims 7 and 10 over Remington in view of Eng and further in view of Pitts, claims 11-13 over Remington in view of Eng and further in view of Bianchi, claims 14 and 15 over Remington in view of Eng and further in view of Katz et al., claims 16-18 over Remington in view of Eng and further in view of Baruch, but these patents fail to suggest the invention of claims 19-38, including the distinctive features of:

(i) a carrier comprising a pad body for detachably attaching on a user's body and a pouch panel overlappedly provided on the pad body to define a storage compartment, for receiving a pistol-like weapon between the pad body and the pouch panel, wherein **the storage compartment has a top opening, having a holding portion, formed by a top edge of the pouch panel and the pad body** (as claimed in claim 19);

(ii) a quick-attach arrangement comprising **first and second reinforcing elements** spacedly provided at the top opening of the storage compartment **for selectively adjusting a width of the holding portion of the top opening**, so as to securely hold a wrist of the weapon in the storage compartment in position, wherein **each of the first and second reinforcing elements has an affixing end affixed on the front surface of the pad body and a control portion extended across the top opening of the storage compartment to detachably fasten on the pouch panel in such a manner that when the first reinforcing element is fastened on the pouch panel while the second reinforcing element is detached from the pouch panel, the first reinforcing element is adapted for securely holding a butt of the weapon to retain**

the weapon within the storage compartment for a right-hand user, and when the second reinforcing element is fastened on the pouch panel while the first reinforcing element is detached from the pouch panel, the second reinforcing element is adapted for securely holding the butt of the weapon to retain the weapon within the storage compartment for a left-hand user (as claimed in claim 19);

(iii) when the two reinforcing elements are attached on the pouch panel, the top opening of the storage compartment being substantially reduced to hold the weapon having a smaller size (as shown in Fig. 3C);

(iv) when the two reinforcing elements are detached from the pouch panel, the top opening of the storage compartment being retained its maximum width for holding the weapon having a bigger size (as shown in Fig. 3D);

(v) **the affixing end of the elongated strap being affixed on the pad body and the control portion of the elongated strap being extended from the affixed end to across the top opening of the storage compartment at a position above the butt of the weapon**, such that when the control portion of the respective elongated strap is fastened on the pouch panel, the elongated strap is adapted for **securely retaining the wrist of the weapon within the storage compartment for either the right-hand user or the left-hand user** (as claimed in claim 20);

(vi) **a first fastener provided on an inner side of the control portion of each of the first and second reinforcing elements and a second fastener provided on an outer side of the pouch panel** to detachably fasten with the first fastener such that the control portion of each of the first and second reinforcing elements is detachably attached on the pouch panel **to selectively adjust a distance between the top edge of the pouch panel and the pad body with for adjustably holding the butt of the weapon in position** (as claimed in claims 21-22);

(vii) a shielding flap, having a predetermined size and shape, being overlappedly extended from the pad body to enclose the top opening of the storage compartment for covering the butt of the weapon (as claimed in claims 23-24);

(viii) first and second securing straps extended from the pouch panel and the shielding flap respectively, a buckle plug provided at a free end of the first securing strap, and a corresponding buckle socket provided at a free end of the second securing strap, wherein the buckle plug is detachably attached to the buckle socket to retain the shielding flap to enclose the storage compartment for substantially protecting the weapon therein (as claimed in claims 25-26);

(ix) the top edge of said pouch panel having a curved shape gradually descending from a mid-portion of the top edge to two side edges thereof for enhancing the weapon to be retained in the storage compartment (as claimed in claims 27-29);

(x) the pouch panel, which has a triangular shaped, having two side edges firmly affixed on said the body to form the storage compartment which has a cross section gradually reducing from a top portion to a bottom portion thereof (as claimed in claims 30-32);

(xi) a belt hanger, which is upwardly extended from a top edge of the pad body, having an affixing end portion affixed to the pad body and a free end portion, wherein a pair of fasteners are provided at the affixing end portion and the free end portion of the belt hanger such that the free end portion of the durable belt is overlappedly attached to the affixing end portion thereof in a detachably attaching manner to form a hanging loop for a belt of the user to pass through so as to hang the carrier at a waist of the user (as claimed in claims 33-35); and

(xii) two leg straps being affixed to two opposed side edges of the pad body, wherein a leg buckle plug and a leg buckle socket are provided at free ends of the two leg straps respectively and detachably connected with each other, so that the carrier is adapted for firmly mounting on a thigh of the user when the leg straps are wrapped around the thigh of the user and the leg buckle plug is buckled with the leg buckle socket (as claimed in claims 36-38).

3. Remington describes a pistol holster assembly (in column 4, lines 12-15) comprising an adjustable length safety strap 31 by means of which the weapon is releasably held in the holster body until the strap 31 is released. Remington merely suggests the safety strap 31 is used for holding the weapon in the holster body without any mention of any quick-attach arrangement that allows the weapon to be held by the

holster body in position for both the right-hand user and the left-hand user. In other words, Remington fails to teach and anticipate the subject matters as a whole in the claims 19-38 of the instant invention.

4. Eng, on the other hand, describes a pistol holster (in column 2, lines 61-67 and in column 3, lines 1-3) comprising two pairs of straps 20, 20' being positioned such that the upper straps 20 are disposed adjacent to or over the hammer of the pistol and the lower straps 20' are positioned such that they are disposed over the neck of the butt of the handle of the pistol 16, just below the hammer. Once the pistol 16 is inserted into the holster body 10, the thumb straps 20, 20' would be snap fastened together via snaps 23, 24 to provide a secure amounting of pistol in the pistol holder 10. It is apparent that Eng fails to teach and anticipate the same recitation and limitation in the claim 19 of the instant invention of using the two reinforcing elements to selectively fasten with the pouch panel for securely holding a butt of the weapon to retain the weapon within the storage compartment for the right-hand user and the left-hand user. In addition, by attaching both the two reinforcing elements to the pouch panel or detaching both the two reinforcing elements from the pouch panel, the top opening of the storage compartment is substantially reduced to hold the weapon having a smaller size or is retained its maximum width for holding the weapon having a bigger size. Eng does not disclose any kind of strap to selectively adjust the size of the top opening of the storage compartment.

5. Powell discloses a motorcycle saddlebag comprising a lid attached to the body such that the lid substantially covers the opening of the body and a fastener assembly that holds the body to the lid. However, Powell fails to teach and anticipate the shielding flap is overlapped on the pouch panel to enclose the top opening of the storage compartment for covering the butt of the weapon while the wrist of the weapon is disposed in the storage compartment. Therefore, when the buckle plug is detachably attached to the buckle socket to retain said shielding flap to enclose the top opening, the whole weapon is covered in a hidden manner. In order to discharge the weapon from the storage compartment, the user must open the shielding flap and then release the respective reinforcing element.

6. Pitts discloses a pistol holster has a triangular shape. However, Pitts fails to anticipate the pouch panel having a triangular shape overlappedly provided on the pad

body to form the storage compartment which has a cross section gradually reducing from a top portion to a bottom portion thereof. The shape of the storage compartment allows the weapon to be fitted therein at different orientations for the right-hand user that only the first reinforcing element is fastened on the pouch panel and for the left-hand user that only the second reinforcing element is fastened on the pouch panel.

7. Bianchi discloses an adjustable holster has a curved top edge. However, Bianchi fails to teach and anticipate that the curved top edge of the pouch panel secures the weapon to be held in the pouch panel. Since the weapon can be fitted in the storage compartment at different orientations for both the right-hand user and the left-hand user, the top edge of the pouch panel is gradually descending from a mid-portion of the top edge to two side edges thereof to retain the weapon in either one orientation.

8. Bianchi also shows the use of a loop attached to the holster body to attach to a belt. Katz teaches such loop fastening means for a belt attachment. Baruch teaches such fastening means for a holster. However, Katz, Bianchi, and Baruch fail to teach and anticipate the carrier is adapted to attach not only on right side of the waist for the right-hand user or left side of the waist for the left-hand user via the belt hanger but also the right thigh for the right-hand user or the left thigh of the left-hand user via the leg straps. Since the conventional holster is designed for either the right-hand user or the left hand user, the conventional holster must be attached to the right side of the waist or the right thigh for the right-hand user and to the left side of the waist or the left thigh for the left-hand user. The instant invention provides a universal holster to hold the weapon in different orientations for both the right-hand user and the left-hand user such that both right-hand user and the left-hand user can use the instant invention for holding the weapon.

9. The Examiner appears to reason that since Remington teaches that an adjustable length safety strap by means of which the weapon is releasably held in the holster body until the strap is released, it would have been obvious to one skilled in the art to modify the safety strap to adjust a width of the top opening of the storage compartment. But this is clearly **not** a proper basis for combining references in making out an obviousness rejection of the present claims. Rather, the invention must be considered as a whole and there must be something in the reference that suggests the combination or the modification. See *Lindemann Maschinenfabrik GMBH v. American*

Hoist & Derrick, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984) ("The claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination"), In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984), ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") In re Laskowski, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989), ("Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, "[t]he mere fact that the prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.")

10. In the present case, there is no such suggestion. Remington, Eng, Powell, Pitts Katz, Bianchi, and Baruch perform very different types of holster. In any case, even combining Remington, Eng, Powell, Pitts, Katz, Bianchi, and Baruch would not provide the invention as claimed -- a clear indicia of nonobviousness. Ex parte Schwartz, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992), ("Even if we were to agree with the examiner that it would have been obvious to combine the reference teachings in the manner proposed, the resulting package still would not comprise zipper closure material that terminates short of the end of the one edge of the product containing area, as now claimed."). That is, modifying Remington with Eng, Powell, Pitts, Katz, Bianchi, and Baruch, as proposed by the Examiner, would not provide the thigh rig having a quick-attach arrangement comprising two reinforcing elements selectively and detachably attached to the pouch panel to allow the weapon to be retained in different orientations in the pouch panel for both the right-hand user and the left-hand user.

11. Therefore, the difference between Remington, Eng, Powell, Pitts, Katz, Bianchi, Baruch and the instant invention as claimed in claims 19 to 38 is not limited to the disclosure of number of straps are used, the shape of the punch panel, or the fastening means, but includes the above distinctive features (i) to (xii).

12. Applicant believes that neither Remington, Eng, Powell, Pitts Katz, Bianchi nor Baruch, separately or in combination, suggest or make any mention whatsoever of using two reinforcing elements to retain the weapon in different orientations as recited in claim 19.

13. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

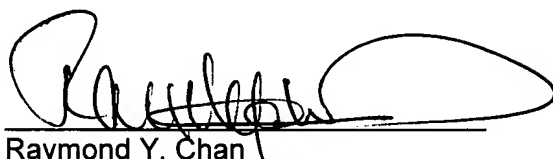
#### **The Cited but Non-Applied References**

14. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

15. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 19-38 at an early date is solicited.

16. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

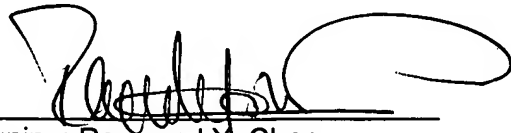


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#### **CERTIFICATE OF MAILING**

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